



OFFICE OF THE PROSECUTING ATTORNEY
24TH JUDICIAL CIRCUIT
HAMILTON COUNTY, INDIANA

PRESS RELEASE

Tuesday, September 2, 2014

Background:

Following a traffic stop at approximately 11:41 p.m. on Sunday, March 16, 2014, and further investigation conducted by the Carmel Police Department, law enforcement officers arrested James S. Irsay in the early morning hours of March 17, 2014, on preliminary charges of Operating a Vehicle While Intoxicated, a Class C Misdemeanor and four counts of Possession of a Controlled Substance, a Class D Felony. Mr. Irsay posted bond and was released from the Hamilton County Jail on March 17, 2014.

On March 25, 2014, Mr. Irsay's attorneys moved to continue (postpone) the initial hearing scheduled for March 26, 2014, for the reason that Mr. Irsay had been admitted into an out-of-state medical facility for inpatient treatment. The State was advised of the inpatient treatment status and did not object to the requested continuance. The Court granted the request to postpone the hearing pending the filing of formal charges.

The Hamilton County Prosecuting Attorney's Office filed one count of Operating a Vehicle While Intoxicated, a Class C Misdemeanor and one count of Operating a Vehicle with a Schedule I or II Controlled Substance or its Metabolite in the Body, a Class C Misdemeanor against James S. Irsay. The charges were filed on May 23rd in Hamilton County Superior Court IV in Noblesville under cause number 29D04-1405-CM-004035. Mr. Irsay and his attorneys waived his initial hearing.

Updated Information:

Today, Mr. Irsay appeared in open court and entered a plea of guilty to Count 1, Operating a Vehicle While Intoxicated, a Class C Misdemeanor, pursuant to a negotiated plea agreement. The Court accepted the agreement as tendered, entered judgment of conviction against Mr. Irsay, and sentenced him according to the terms of the agreement.

Mr. Irsay was sentenced as follows:

Jail time: Sixty (60) days in the Hamilton County Jail, fifty-eight (58) days suspended and two (2) days executed.

Defendant given 2 days of credit for 1 day already served (3/17/2014).

Court costs \$168.50 and a \$200.00 alcohol countermeasure fee imposed.

The Court shall recommend to the BMV that Defendant's license shall be suspended for a period of 90 days, effective upon the date of termination of refusal suspension.

Probation for a period of 365 days, with all standard terms and conditions and special conditions including:

- 1) payment of court costs and fees;
- 2) successful completion of the discharge rehabilitation program in which the Defendant has participated since March 24, 2014, as approved and monitored by CARE and Probation;
- 3) attend a victim impact panel;
- 4) the Defendant shall not consume or possess alcoholic beverages;
- 5) the Defendant shall provide current and valid prescriptions of all medications that Defendant is prescribed, to Probation upon request; and
- 6) at the request of Probation, Defendant shall provide signed Release of Information documents to Probation regarding the status of Defendant's treatment at the facility referenced in condition #2.

The agreement's terms are typical for first-time OVWI defendants in Hamilton County. Sixty days in the local jail is the maximum penalty available under Indiana law for a Class C Misdemeanor. Count 2 was dismissed pursuant to the agreement. Pursuant to the agreement, Mr. Irsay waived several rights, among them being his rights to modification and appeal in this case.

The factual basis provided to the Court to substantiate the plea of guilty was:

According to a probable cause affidavit filed by Officer James Morris of the Carmel Police Department: on March 16, 2014 just before midnight and on 131st Street, the attention of officers from Carmel PD was drawn to an SUV driven by an individual later identified as James Steven Irsay when the driver of that SUV failed to signal a lane change. Officers then initiated a traffic stop. They identified the driver of the SUV as James Steven Irsay, the Defendant in this case. In furtherance of their investigation, officers conducted field sobriety tests on Mr. Irsay and he failed 3 of those tests. Based upon their training, experience and observations of Mr. Irsay, Carmel PD officers determined that he was intoxicated and under the influence of a controlled substance which resulted in an impaired condition of his thought and action. All the above events occurred in Hamilton County, Indiana.

Laboratory testing of the Defendant's blood revealed the presence of hydrocodone, oxycodone, and alprazolam.

Following the hearing, Mr. Irsay, like any other defendant sentenced under such an agreement, went to the Hamilton County Probation Department to begin his probationary period. That period will run from today for three hundred sixty-five days.

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